

Issued August 30, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1610.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ALLEGED MISBRANDING OF SODARINE.

On November 17, 1911, the United States Attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels against 105 and 60 cases of Sodarine remaining unsold in the original unbroken packages, the 105 cases remaining in the premises of a certain warehouse at the corner of South Front Street and Georgia Avenue, Memphis, Tenn., the 60 cases in a certain warehouse corner of Carolina Avenue and I. C. R. R., Memphis, Tenn., alleging that the product had been shipped by the Sea Gull Specialty Co., Baltimore, Md., from the State of Maryland into the State of Tennessee, 80 cases on or about September 5, 1911, 25 cases on or about September 18, 1911, 25 cases on or about September 26, 1911, and 35 cases on or about September 28, 1911, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Bi-Carb-Sodarine. A wonderful leavening preparation—Sodarine—Better than Soda—Better than other bread preparations. Ingredients: Sodium, aluminum sulphate, corn starch, sodium bicarbonate, Available carbonic acid gas when packed 16.66%—net weight not less than 16 oz.—(L. G.) The Sea Gull Specialty Co., Baltimore, Md."

Misbranding was charged in the libel for the reason that the product was alleged to have been an alum baking powder and to have contained a large quantity of alum, while the labels and brands on the packages of the product declared it to have been entirely different from and superior to the leavening agents ordinarily used, and for the further reason that the labels on the packages containing the product proclaimed that it was entirely different and superior to any other leavening agents, when it was an alum baking powder, and that the labels on the product were misleading and calculated to deceive the purchaser thereof.

On or about December 7, 1911, the Sea Gull Specialty Co., Baltimore, Md., claimant, demurred to the libel, and on January 16, 1911, the cause having come on to be heard before the court, the libel was dismissed with costs. The opinion of the court (McCall, J.) follows:

The only thing that I can deduct from the label complained of in this proceeding is that the manufacturers thereof state that their leavening preparation was better than soda and better than any other bread preparations. I do not think that the act was intended to include within its condemnation such a label or publication. The result is that the demurrer will be sustained and the libel dismissed with costs.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 19, 1911.*

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